

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Aaron D. FORMAN,

Appellant,

v.

Catherine E. YOUNGMAN and AMBOY
BANK,

Appellees.

Civ. No. 14-2785

OPINION

THOMPSON, U.S.D.J.

This matter is before the Court upon an appeal by Aaron D. Forman (“Appellant”). In his appeal, Appellant seeks the following relief: (1) “Permission for leave for an interlocutory appeal of the Order entered by the Honorable Rosemary Gambardella, United States Bankruptcy Judge, dated April 11, 2014;” (2) “A stay of the sale of the property located at 116 Bloomfield Street, Hoboken, New Jersey;” and (3) “a waiver of [the] Notice of Appeal Fee.” (Docket No. 1). Appellee, Catherine Youngman, opposes Appellant’s appeal. (Docket No. 2).

Courts within the Third Circuit have imposed a good faith requirement in filing appeals and have denied requests to appeal when good faith is not present. *In re Smith*, 87-03859S, 1989 WL 4028, at *3 (Bankr. E.D. Pa. Jan. 19, 1989); *In re Olick*, 07-10880-ELF, 2009 WL 2912658, at *2 (Bankr. E.D. Pa. May 28, 2009). Good faith is an objective standard that is demonstrated when appellate review is sought for “any issue [that is] not frivolous.” *In re Smith*, 1989 WL 4028, at *3 (citing *Coppedge v. United States*, 369 U.S. 438, 442 (1962)). When considering

whether an appeal has been brought in good faith, Courts may also consider the substantive merit of an appeal. *Id.*

Here, Appellant does not state any legal basis or justification for the relief sought. Furthermore, to the extent Appellant requests a stay of the sale of the property located at 116 Bloomfield Street, Hoboken, New Jersey, this Court observed in its response to one of Appellant's previous appeals that the property was sold to a good faith purchaser pursuant to 11 U.S.C. § 363(m) as authorized by the Bankruptcy Court and, therefore, cannot be reversed or modified. *In re Forman*, 11-5345-PGS, (D.N.J. Aug. 6, 2012). For these reasons, the Court finds that Appellant's appeal has not been brought in good faith. Therefore, Appellant's appeal will be dismissed.

/s/ Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.

Date: 6/18/14